IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

Bail Appl..No. 3993 of 2007()

CRIME 64/07 OF NENMARA POLICE STATION, PALAKKAD
CRMP.2101/2007 of DISTRICT COURT, PALAKKAD

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PETITIONER : ACCUSED NO.5:

ABDUL SATHAR, S/O.SULAIMAN, AGED 22 ,
ALAMPADI, KOZHINJAMPARA, PALAKKAD DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR (REPRESENTING S.I. OF POLICE,
NENMARA POLICE STATION), HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 3993 of 2007

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Dated this the 2nd day of July, 2007

O R D E R

Application for regular bail. The petitioner, a person aged about 22 years, faces allegations, inter alia, under Section 376 I.P.C. The crux of the allegations is that a woman, who is mentally deficient, was lost in a crowd at a temple festival. She was allegedly taken by some other accused, who had sexual intercourse with her. Some others, including the petitioner, joined later to have sexual intercourse with her. It is the case of the prosecution that these were instances of rape. The alleged occurrence took place on 9.4.2007. Altogether there are five accused. Accused 1 to 4 were arrested on 8.4.2007 and they have been enlarged on bail as per order dt.30.5.2007 by this Court. The petitioner was arrested on 11.5.07 and he continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. False allegations are being raised against him. At any rate, the petitioner may be enlarged on bail now, co-accused who have allegedly played a more contumacious role having already been enlarged on bail.

3. The learned Prosecutor opposes the application. I have considered all the relevant inputs. Notwithstanding the opposition, I am satisfied that the petitioner can now be released on bail, subject to appropriate terms and conditions.

4. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) He shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) He shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 12 noon on all Mondays and Fridays for a period of three months from the date of release and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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